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From: Stinson, Dennis [mailto:dennis.stinson@dnr.mo.gov]

Sent: Wednesday, January 07, 2015 3:22 PM

To: Gunn, Gene

Subject: FW: ASARCO petition to reopen STB "abandonment exemption" for RR lines in Bonne Terre

From: Miller, Marty

Sent: Wednesday, December 24, 2014 10:43 AM

To: Spears, Tami; Bryan, Mary; Valentine, Kara; Lamb, David; Rielly, Tim

Cc: Engeln, Joe; Stinson, Dennis; Lyskowski, Danny; Willoh, Don; Tippet Mosby, Leanne

Subject: ASARCO petition to reopen STB "abandonment exemption" for RR lines in Bonne Terre

Tami: please scan the Petition to Reopen and email it to this group. Also pls scan the other supporting documentation, and place it in a new cms entry for this matter, and assign to Mary Bryan at least for now.

Mary, please review and provide at least some initial advice about the STB process and whether/how/when DNR could or should potentially get involved in it.

Kara, for some reason I'm thinking this might be an issue you've encountered before. Please share any context or info you have about this.

Everyone: evidently Union Pacific RR went through the Surface Transportation Board back in 2001 and received authority to abandon 1.1 miles of rail line near Bonne Terre, MO, after representing to the STB that there would be no harm to public health/safety. If I understand correctly, this effectuated an actual abandonment, not a railbanking for trail purposes, which means that UP and the affected landowners would have believed for more than 10 years now that the rail line is owned by local landowners and not UP. (Mary, please confirm that understanding.) Now ASARCO is asking the STB to reopen that proceeding based on the alleged falsity of UP's representation, based on those rail lines having been constructed of mining waste which continues to release haz substances into the environment today. ASARCO references its CERCLA claim for contribution and cost recovery against UP based its \$80M bankruptcy settlement related to SEMO sites. ASARCO asks the STB to rectify UP's misrepresentations, and to require UP to sample, monitor, and report on the environmental condition of all abandoned lines in SEMO that UP acquired from Missouri Pacific RR. I'm not sure what to make of either the timing or content of all this at first glance. ASARCO notified numerous parties of its filing, including the Governor's Office, DNR, MODOT and USDOT, PSC, Corps, EPA R7, and USFWS.

Dave or Dennis, please advise whether the issue of rail line contamination is something HWP has considered and/or addressed in the past, and what if any reaction you have to all this.

Tim, please advise whether this issue is somehow addressed, or could/should be addressed, as part of the SEMO restoration plan.

Joe and others, FYI.

Marty Miller

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